

Case Number: 08 CV 01648

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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Edgar C. Bayas

Vs.

Tully Construction Co., Inc, Tully Environmental Inc., ETAL

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State of New York County of Albany

Jeffrey Teitel being duly sworn deposes and says that deponent is over the age of eighteen years and is not a party in this proceeding. Deponent served a true copy of Summons in a Civil Action and Complaint, such service having been made in the following manner, stated herein, and said person being the proper and authorized person to be served in this proceeding,

Nikki Chappel Agent for service -Corporation Service Company on  
behalf of Lehman Brothers Holdings Inc. - 80 State Street - Albany, NY  
12:30 PM, June 6, 2008


Deponent further states upon information and belief that said person so served in not in the Military service of the state of the State of New York or of the United States as the term is defined in either of the State or Federal Statutes.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Age</u>	<u>Height</u>	<u>Weight</u>
<u>  </u> Male	<u>  </u> White	<u>  </u> 20-30	<u>X</u> 5'-5'5"	<u>  </u> 100-150
<u>X</u> Female	<u>X</u> Black	<u>X</u> 31-40	<u>  </u> 5'6"-6'	<u>X</u> 151-200
	<u>  </u> Other	<u>  </u> 41-50	<u>  </u> 6'1"-6'5"	<u>  </u> 200-250
		<u>  </u> 51-60	<u>  </u> 6'6"+	<u>  </u> 250+

Sworn to me this 7th day of  
June, 2008

 Jeffrey Teitel

  
Notary Public

HILARY TEITEL  
Notary Public, State of New York  
Qualified in Albany County  
No. 01TE5049179  
Commission Expires Sept. 11, 2009